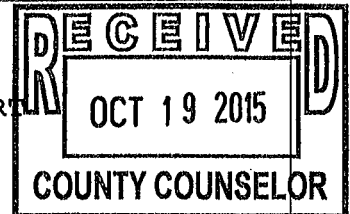


IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION



ORIGINAL

TRACEY WHITE, et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THOMAS JACKSON, et al., )  
 )  
Defendants. )

Cause No. 14-cv-01490-HEA

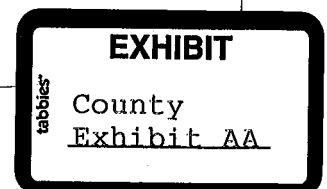
VIDEO DEPOSITION OF NATHAN A. BURNS

Taken on behalf of the Defendants  
McCOY, McCANN, HILL, BELMAR, and ST. LOUIS COUNTY

September 30, 2015

Reported by: Christine A. LePage, CCR #1000

LePAGE REPORTING SERVICE  
1465 Wilkesboro Drive  
Dardenne Prairie, Missouri 63368  
(314) 616-2113



1 A No, I haven't.

2 Q All right. Now, you have sued some police  
3 officers, you're aware of that?

4 A That's the current case?

5 Q In this case, yeah.

6 A Okay.

7 Q And you sued them because of events that  
8 happened on Monday, August 11, 2014; you're aware of that?

9 A Okay, that's the date that it happened?

10 Q Yes. Yeah.

11 A Okay.

12 Q Okay. About what time do you think you were  
13 arrested?

14 A 10:30. Around 10:30 is what they wrote on the  
15 paper.

16 Q I'm sorry?

17 A On the booking paper, I believe it said 10:30.

18 Q Okay. Did you work that night until 8 or did  
19 you --

20 A Yes, I did.

21 Q -- work that day at all?

22 A Yes.

23 Q Okay. And you indicated in the lawsuit that you  
24 filed that you were among a group of protesters. Were  
25 you?

1 now, I really don't recall.

2 Q But I'm talking about what you call protesters,  
3 okay?

4 A Oh, okay. Yeah, there were -- I can't recall  
5 how many people were out there.

6 Q Okay. Now, in addition to having protesters,  
7 were there people who were not protesting who were just  
8 causing problems that you could see?

9 A No, not that I seen.

10 Q I mean, could you see people throwing rocks?

11 A No, I didn't see any rocks or people throwing  
12 them.

13 Q Could you -- Did you hear police give orders to  
14 disperse?

15 A Yes, I did.

16 Q Okay. And that was on West Florissant?

17 A That was after they pushed us onto the side  
18 street.

19 Q Well, even before they pushed you to the side  
20 street, weren't they giving orders to disperse?

21 A No, I didn't hear any orders to disperse before  
22 that.

23 Q Okay. Now, did you notice which police  
24 department was giving orders to disperse?

25 A St. Louis County.

1 Q Okay. Why are you sure of that?

2 A Well, they had on -- Well, you know what, you're  
3 right, I'm not sure, because they had on like black gear  
4 over it, so you couldn't tell, they just looked like  
5 soldiers really, they just were dressed in black with a  
6 bunch of armor on.

7 Q Okay.

8 A But the area, it was -- majority was St. Louis  
9 County police officers out there.

10 Q Now, when orders to disperse were given, did  
11 they use some sort of loud speaker?

12 A I believe so. I believe it was over the  
13 speaker.

14 Q So there was -- Well, how many orders to  
15 disperse do you think you heard that night?

16 A I heard maybe three.

17 Q And you indicated before there were a lot of  
18 people. Would you agree that when orders to disperse were  
19 made that there were people who did disperse?

20 A The people that stayed in the area that were  
21 able to disperse, they went into their homes.

22 Q Okay.

23 A But --

24 Q Some people did disperse?

25 A Yeah, the people that stayed into the areas went

1 Q Okay. Could you see the police by that  
2 seven-foot bush?

3 A Yes, I could.

4 Q Do you think the police would be able to see you  
5 from where you were standing?

6 A If they were looking for me, yes.

7 Q All right. And if you wanted to leave, could  
8 you go through a yard there?

9 A My car was actually on the street, and I didn't  
10 want to leave my car out there.

11 Q Why didn't you want to leave your car there?

12 A Because then I would be unmobile. I didn't want  
13 to walk home. I drove in my car, so I planned on leaving  
14 with my car.

15 Q Where was your car parked?

16 A I'm not sure the name of that street, but the  
17 same street where the house where I was standing at, my  
18 car was parked on the same street.

19 Q So can you be a little more specific? You're on  
20 West Florissant, you're by some street.

21 A It's a block over from West Florissant.

22 Q Okay. So you left West Florissant to go to the  
23 block over; is that right?

24 A I was pushed from West Florissant to the block  
25 over. Well, I was forced from West Florissant to the

1 Q -- and made you take -- made you take off your  
2 shoes?

3 A He attempted to make me take off my shoes but  
4 they were tied too tight.

5 Q Okay. And can you describe any other officers?

6 A Not -- It would be vaguely, I wouldn't remember  
7 them, less than I remember him, I got a very vague  
8 description of him.

9 Q Now, you talked about this armored vehicle.  
10 Before the armored vehicle went by, as I understand it,  
11 you had -- you heard three requests to disperse over the  
12 loud speaker; is that correct?

13 A Before -- Before -- Yeah, it was about three,  
14 yes.

15 Q Okay. And then did you see officers inside the  
16 armored vehicle or on either side of the armored vehicle?

17 A At what time are you referring to?

18 Q Well, while it's going by, were there --

19 A They were like hanging off the side.

20 Q Okay. And could you tell what police  
21 departments those officers were who were hanging off the  
22 side?

23 A Well, I couldn't tell until -- Well, like I  
24 said, after they arrested me, they all got on this -- I'm  
25 not sure if it's the same armored truck or not, but they

1 so I wouldn't -- if you told me the names, I wouldn't  
2 know, I wouldn't know who you were referring to.

3 Q Okay. Detective Terrence McCoy, would you know  
4 who that is?

5 A No.

6 Q Detective Dan Hill, do you know who that is?

7 A No.

8 Q Officer -- Detective Mike McCann, do you know  
9 who that is?

10 A No.

11 Q Can you tell us what any one of those three did?

12 A No, I don't know who they are.

13 Q Okay. Have you read the police report involving  
14 your arrest?

15 A You say have I read the police report?

16 Q Yes.

17 A No, I have not.

18 Q Okay. Did you review anything in preparation  
19 for today's deposition?

20 A No, I haven't.

21 Q Okay. At some point some officers turned you  
22 over to other officers in a truck; is that correct?

23 A No, the officers -- the way it went, the  
24 officers that arrested me, they got on the truck with me.

25 Q Okay.

1           A     They sent me to jail, I had no option, I didn't  
2     have an option to go to the hospital.

3           Q     Right.

4           A     But when I got -- when I got to the prison, I  
5     had so much -- I was covered in so much Mace that when the  
6     guard patted me down, she moved my hair, and she actually  
7     started spitting and throwing up just from the amount of  
8     Mace that was on my body, and that's probably -- like I  
9     know they caught that on like the video, because I'm  
10    pretty sure they have cameras in the cell -- I mean the  
11    like booking stations or whatever. But just she moved my  
12    hair, and my hands up on the wall, and she moved my hair,  
13    and the instant she moved my hair she started coughing and  
14    spitting up and she had to like run to the back.

15          Q     Okay. So you sort of went beyond my question.  
16    So my question was did you go to the hospital that night?

17          A     No, I'm sorry.

18          Q     And the answer is no?

19          A     Correct.

20          Q     But -- So but you were taken to the Justice  
21    Center; is that correct?

22          A     If that's the name for it.

23          Q     Or the jail?

24          A     Yes.

25          Q     And then once you arrived there, you were seen



1 by some woman, like was she an intake nurse or something?

2 A Yes, I seen one of those nurses, correct.

3 Q Okay. And she did an intake examination of some  
4 sort to you; is that correct?

5 A Correct.

6 Q And she asked you questions and you gave  
7 answers; is that correct?

8 A Correct.

9 Q All right. And then you were released sometime  
10 that night or the next day?

11 A They held me for 24 hours exactly.

12 Q When you were released, were you released  
13 because no charges were issued or because someone made  
14 bond or --

15 A It was no charges. They told me there were no  
16 charges.

17 Q Who is they, just so I understand?

18 A The officer that released me.

19 Q When you were released -- Strike that. During  
20 your 24 hours when you were at the Justice Center, did you  
21 get any treatment from a nurse or ask to be treated by a  
22 nurse?

23 A I asked and she told me there was nothing that  
24 she could do for me, she told me I would just have to wait  
25 until the effects wore off, that actually -- and I asked

1           A     I'm not sure why Chris didn't get arrested.

2           Q     (by Mr. Hughes) But he did run away?

3           A     I'm not sure if he ran or not, because I was --  
4     like I was standing next to another guy at this time.

5           Q     Oh, at the time the police got close,  
6     Christopher wasn't next to you?

7           A     I'm not sure. At this time I didn't like look  
8     around to see who was around me, I just put my hands up  
9     and kept my eyes on the police. I didn't look around  
10    until they actually started Macing people.

11          Q     After they started Macing people, would you  
12    agree that -- Strike that. Before they started Macing  
13    people, would you agree that the police had already issued  
14    or used smoke or tear gas and had already given orders to  
15    disperse?

16          A     They had already like -- They were really just  
17    like intimidating is what they were trying to do, I don't  
18    feel like they were like being lawful about anything they  
19    were doing. I'm not sure about what are you asking me,  
20    can you say that again?

21          Q     Sure. You indicated before that you saw smoke  
22    or tear gas; is that right?

23          A     Correct.

24          Q     You indicated before you heard some orders to  
25    disperse; is that correct?

1 A Correct.

2 Q And then finally at some point police started  
3 Macing people; is that correct?

4 MR. LATTIMER: That's misstates the testimony.

5 A I don't know if they were Macing people before  
6 then or not. Like what they -- I don't feel like they  
7 were using that to get people to disperse, I feel like  
8 they were intimidating people. So I'm not trying to  
9 rephrase your question, but the way it's kind of worded,  
10 it kind of feel like you asking me were we like asked to  
11 leave and then like the last resort was to Mace people,  
12 when it was just like they were close and they just did  
13 what they wanted to do because there were no cameras  
14 around.

15 Q (by Mr. Hughes) The first time that you saw  
16 Mace deployed was when you got Mace; is that correct?

17 A Correct, yes.

18 Q Okay. And before that happened you had already  
19 seen smoke and/or tear gas deployed; is that correct?

20 A Correct.

21 Q And before that happened you had already heard  
22 orders to disperse; is that correct?

23 A Correct.

24 Q You had heard three orders to disperse?

25 A Correct.

1 A Right.

2 MR. LATTIMER: 75 or 100 was never mentioned.

3 A I said there was a group of people, yeah.

4 Q (by Mr. Hughes) Yeah, okay.

5 A Like altogether there was a lot of people out  
6 there.

7 Q I mean, could -- Maybe I'm confusing you with an  
8 earlier deposition.

9 MR. LATTIMER: I think so.

10 Q (by Mr. Hughes) But when you say a lot of  
11 people, was it over a hundred or can you say?

12 A That's what I say, I couldn't give a number, but  
13 there were a lot of people out there.

14 Q Okay. All right. But then by now, right before  
15 you're Maced, is --

16 A Well, now the people are scattered out. So at  
17 first you got a group of people in one spot, then you have  
18 the people when they scattered out around, some people  
19 been pushed like back into the neighborhood and I guess  
20 some of them stayed there, so some of them were able to  
21 disperse, and some people were just on foot, just -- I  
22 don't know what they doing. But like this -- I'm assuming  
23 that the people still out there, we just not in one group  
24 anymore, the group had been broken up.

25 Q Right. So --

1           A     It's been like divided, so you got small groups  
2 scattered around.

3           Q     So, again, I hadn't finished my question.

4           A     I'm sorry.

5           Q     Before you said there were a lot of people  
6 earlier in the evening, but now you said there wasn't a  
7 lot of people, there were six other people --

8           A     No, what I was saying --

9           Q     -- with you?

10          A     -- is at first I was with the large group of  
11 people, and now I'm with six other people, the other  
12 groups have been broken up. Now instead of being one  
13 large group, there are a lot of subgroups, the large group  
14 broke up into subgroups.

15          Q     So initially you were in a group of a lot of  
16 people?

17          A     Initially it was one big group, and then it  
18 broke down to small subgroups.

19          Q     And then people dispersed into different groups,  
20 different directions; is that correct?

21          A     Yeah, basically, yes.

22          Q     And then by the time the police came by, you  
23 were with a much smaller group of about six other people?

24          A     Correct.

25          Q     And then when the police came by, some police